

EXHIBIT “B”

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FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

DEC 11 2002
[Signature]
at _____ o'clock and _____ min. _____ M.
WALTER A. Y. H. CHINN, CLERK

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Attorneys for Defendant
HAWAIIAN EXPRESS SERVICE, INC.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

WAYNE BERRY,

Plaintiff,

vs.

FLEMING COMPANIES, INC., aka
FLEMING FOODS, INC., aka
FLEMING, HAWAIIAN EXPRESS
SERVICE, INC., DOE INDIVIDUALS
1-50 AND DOE PARTNERSHIPS,
CORPORATIONS AND OTHER
ENTITIES 1-20,

Defendants.

CIVIL NO. CV01 00446 SPK LEK
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STIPULATION FOR DISMISSAL
AS TO DEFENDANT HAWAIIAN
EXPRESS SERVICE, INC.; ORDER

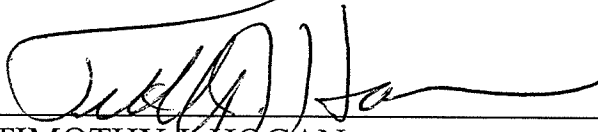
Trial: February 25, 2003

STIPULATION FOR DISMISSAL AS TO
DEFENDANT HAWAIIAN EXPRESS SERVICE, INC.

IT IS HEREBY STIPULATED, pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure, by and between the parties hereto, through their respective counsel, that the First Amended Verified Complaint and all claims contained in this matter against Defendant HAWAIIAN EXPRESS SERVICE, INC., be dismissed. Each party shall bear its own costs and attorneys' fees.

Defendant FLEMING COMPANIES, INC. remains as a party to this lawsuit. Trial is set for February 25, 2003.

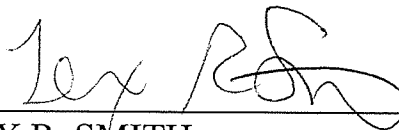
DATED: Honolulu, Hawaii, DEC 10 2002.



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Attorney for Plaintiff
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Civil No. CV01-00446 SPK LEK – Berry v. Fleming Companies, Inc., et al.
Stipulation for Dismissal As To Defendant Hawaiian Express Service, Inc. ; Order

APPROVED AND SO ORDERED:

SAMUEL P. KING

DEC 11 2002

JUDGE OF THE ABOVE-ENTITLED COURT

Civil No. CV01-00446 SPK LEK – Berry v. Fleming Companies, Inc., et al.
Stipulation for Dismissal As To Defendant Hawaiian Express Service, Inc.; Order